

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

| | | |
|--|---|--------------------------|
| ZACH ELLIS, GERONIMO PEREZ, | § | |
| ARTURO SALINAS, JARROD M. | § | |
| DANIEL, and KERRY TAWATER, | § | |
| Individuals | § | |
| | § | |
| Plaintiffs | § | |
| | § | |
| vs. | § | CASE NO. 2:15-CV-00058-J |
| | § | |
| TRI-STATE OIL FIELD SERVICES, Inc., | § | |
| a Texas Corporation, RICARDO “RICKY” | § | |
| CANTU, and individual, RICKY’S | § | |
| TOWING OF AMARILLO, LLC, a Texas | § | |
| limited liability company, KATRINA | § | |
| KINCAID, an individual, and CANTU | § | |
| TOWING, LLC, a Texas limited liability | § | |
| company, | | |
| | § | |
| Defendants | § | |

**DEFENDANT TRI-STATE OIL FIELD SERVICES, INC., ANSWER
TO PLAINTIFFS ORIGINAL COMPLAINT**

COMES NOW the Defendant, TRI-STATE OIL FIELD SERVICES, INC., (“Tri-State”), by and through its undersigned counsel, Darrell R. Carey, and files its Answer to Plaintiff’s Complaint as follows:

1. Tri-State admits that Plaintiff has brought an action under the Fair Labor Standards Act, 29 U.S.C. § 216 (b), but denies that Plaintiff states a claim upon which relief can be granted and further denies the remaining allegations in ¶ 1 of Plaintiff’s Complaint.

2. Tri-State lacks knowledge or information sufficient to form a belief about the truth of the allegations in ¶ 2 of the complaint.

3. Tri-State admits that Zach Ellis and Arturo Salinas were employees of Tri-State and denies the remaining allegations in ¶ 3 of Plaintiff's Complaint.

4. Tri-State admits that they can be served through their registered agent, Ricky Cantu but denies that it can be served at 222 Northwest Drive, Hereford, Texas, 79045. Defendant denies that they are jointly and severally liable for the acts of Cantu Towing, LLC, and Ricky's Towing of Amarillo, LLC. Defendant denies the remaining allegations in ¶ 4 of Plaintiff's Complaint.

5. Tri-State admits that Zach Ellis and Arturo Salinas were employees of Tri-State and denies the remaining allegations in ¶ 5 of Plaintiff's Complaint.

6. Tri-State denies the allegations set forth in ¶ 6 of Plaintiff's Complaint. Defendant denies that they are jointly and severally liable for the acts of Cantu Towing, LLC, and Ricky's Towing of Amarillo, LLC.

7. Tri-State denies the allegations set forth in ¶ 7 of Plaintiff's Complaint.

8. Tri-State denies the allegations set forth in ¶ 8 of Plaintiff's Complaint.

9. Tri-State denies the allegations set forth in ¶ 9 of Plaintiff's Complaint.

10. Tri-State denies the allegations set forth in ¶ 10 of Plaintiff's Complaint.

11. Tri-State denies the allegations set forth in ¶ 11 of Plaintiff's Complaint.

12. Tri-State denies the allegations set forth in ¶ 12 of Plaintiff's Complaint. Defendant denies that they are jointly and severally liable for the acts of Cantu Towing, LLC, and Ricky's Towing of Amarillo, LLC

COUNT ONE - FLSA

13. Tri-State denies the allegations set forth in ¶ 13 of Plaintiff's Complaint. The complaint fails to state a claim of upon which relief can be granted as to Defendant Tri-State.

COUNT TWO – Tort of Retaliation for Complaining about Overtime and Working Conditions

14. Tri-State denies the allegations set forth in ¶ 14 of Plaintiff's Complaint. The complaint fails to state a claim of upon which relief can be granted as to Defendant Tri-State.

15. Tri-State denies the allegations set forth in ¶ 15 of Plaintiff's Complaint.

16. Tri-State denies the allegations set forth in ¶ 16 of Plaintiff's Complaint.

17. Tri-State denies the allegations set forth in ¶ 17 of Plaintiff's Complaint.

PRAYER

WHEREFORE, Defendant Tri-State respectfully requests that the Court:

A. Enter judgment in TRI-STATE OIL FIELD SERVICES, INC.'s favor.

B. Award TRI-STATE OIL FIELD SERVICES, INC., its reasonable costs and fees, including attorneys' fees.

C. Grant TRI-STATE OIL FIELD SERVICES, INC., such other and further relief as the Court deems just and proper

Respectfully Submitted

/s/ Darrell R. Carey

Darrell R. Carey

Attorney for Tri-State Oil Field Services, Inc.

Law Office of Darrell R. Carey

300 15th Street

Canyon, TX 79015

Phone: (806) 655-4529

Fax: (806) 655-7250

Email: lawofficeofdarrellrcarey@gmail.com

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the Defendant TRI-STATE OIL FIELD SERVICES, INC., Answer to Plaintiffs Original Complaint was served on Jerry McLaughlin and Philip R. Russ on the 13th day of March, 2015.

Law Offices of Jerry D. McLaughlin
Jerry D. McLaughlin, SBN 13743300
1200 S. Western, Suite 1000
Amarillo, TX 79109
Phone: (806) 371-9110
Fax: (806) 373-9029

And

Law Offices of Philip R. Russ
2700 S. Western, Suite 1200
Amarillo, TX 79109
Phone: (806) 358-9293
Fax: (806) 358-9296

/s/ Darrell R. Carey
Darrell R. Carey